

CHAPTER 239

JOINT COUNTY-CITY OR TOWN BUILDINGS

H. F. 393

AN ACT relating to joint county-city or town buildings.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Any joint building or buildings acquired, owned,
2 erected, constructed, controlled or occupied in accordance with the
3 authorization contained in this Act shall be and are hereby declared
4 to be acquired, owned, erected, constructed, controlled or occupied for
5 a public purpose and as a matter of public need.

1 SEC. 2. Any county and any city or town which is the county seat
2 thereof, may incorporate an "Authority" for the purpose of acquir-
3 ing, constructing, furnishing, equipping, owning, improving, altering,
4 enlarging, operating or maintaining a public building or buildings and
5 the necessary site or sites therefor, for the joint use of such county
6 and city or town.

1 SEC. 3. The term "incorporating unit" as hereafter used in this
2 Act shall be deemed to mean the county or any such city or town
3 joining in such incorporation. The term "governing body" as here-
4 inafter used in this Act with relation to cities or towns shall mean the
5 city or town council, or board of aldermen, and with relation to count-
6 ties shall mean the board of supervisors.

1 SEC. 4. The incorporation of such an authority shall be accom-
2 plished by the adoption of articles of incorporation by the governing
3 body of each incorporating unit. For such adoption, the affirmative
4 vote of the majority of the members elect of each such governing
5 body shall be required. The articles of incorporation shall be exe-
6 cuted for and on behalf of each incorporating unit by the following
7 officers, to wit: For the county, by the chairman of the board of
8 supervisors; for the city or town, by its mayor and city clerk.

1 SEC. 5. The articles of incorporation shall set forth the name of
2 such authority; the name or names of the units incorporating the
3 same; the purpose for which the authority is created; the number,
4 terms and manner of selection of its officers including its governing
5 body which shall be known as the "commission"; the powers and
6 duties of the authority and of its officers; the date upon which the
7 authority shall become effective; the name of the newspaper in which
8 the articles of incorporation shall be published; and any other mat-
9 ters consistent with this Act.

1 SEC. 6. Such authority shall be directed and governed by a board
2 of commissioners of three members, one to be elected by the board of
3 supervisors of the county, one to be elected by the governing body of
4 the city or town, and one to be elected by the joint action of the board
5 of supervisors of the county and the governing body of the city or

6 town, and if the said governing bodies are unable to agree upon a
7 choice for the third member within sixty days of the election of the
8 first member, then the said third member shall be appointed by the
9 governor. Said commissioners shall serve for six-year terms. Said
10 board of commissioners shall designate one of their number as chair-
11 man, one as secretary, and one as treasurer, and shall adopt bylaws
12 and rules of procedure and provide therein for regular meetings and
13 for the proper safekeeping of its records.

1 SEC. 7. No commissioner shall receive any compensation in con-
2 nection with his services as such commissioner. Each commissioner,
3 however, shall be entitled to reimbursement for any necessary ex-
4 penditures in connection with the performance of his duties.

1 SEC. 8. The articles of incorporation shall be recorded in the office
2 of the county recorder and filed with the secretary of state, and shall
3 be published once in a newspaper designated in said articles of incor-
4 poration and having a general circulation within the county, and upon
5 such recording and publication, the authority shall be deemed to come
6 into existence.

1 SEC. 9. Amendments may be made to the articles of incorporation
2 if adopted by the governing body of each incorporating unit: Pro-
3 vided, that no such amendment shall impair the obligation of any
4 bond or other contract. Each amendment shall be adopted, executed,
5 recorded and published in the same manner as above specified for the
6 original articles of incorporation.

1 SEC. 10. This Act being designed to effect a public use and pur-
2 pose, any incorporating unit may make donations of property, real or
3 personal, to the authority as they may deem proper and appropriate
4 in aiding the authority to effectuate the purpose for its creation.

1 SEC. 11. Such authority shall be a body corporate with power to
2 sue and be sued in any court of this state, have a seal and alter the
3 same at its pleasure, make and execute contracts, leases, deeds and
4 other instruments necessary or convenient to the exercise of its
5 powers. In addition, it shall have and exercise the following public
6 and essential governmental powers and functions and all other powers
7 incidental or necessary to carry out and effectuate such express
8 powers:

9 1. To select, locate and designate an area lying wholly within the
10 territorial limits of the county seat of the county in which the au-
11 thority is incorporated as the site or sites to be acquired for the
12 construction, alteration, enlargement, or improvement of a building
13 or buildings for the purposes set forth in the Act. The site or sites
14 selected shall be subject to approval by a majority of the members
15 of each governing body of the incorporating units.

16 2. To acquire the fee simple title to the real property located within
17 such area by purchase, gift, devise, or by the exercise of the power of
18 eminent domain, and title thereto shall be taken in the corporate
19 name of the authority.

20 3. To demolish, repair, alter or improve any building or buildings
21 within the designated area, and to construct a new building or build-
22 ings and other facilities within said area, notwithstanding the pro-
23 visions of any other statute or statutes to the contrary. To furnish
24 and equip the same, and maintain and operate such building or build-
25 ings and other facilities so as to effectuate the purpose of this Act.

26 4. To construct, repair and install streets, sidewalks, sewers, water
27 pipes and other similar facilities and otherwise improve the site.

28 5. To make provisions for offstreet parking facilities.

29 6. To operate, maintain, manage and to make and enter into con-
30 tracts for the operation, maintenance and management of such build-
31 ings and other facilities and to provide rules and regulations for the
32 operation, maintenance and management thereof.

33 7. To employ technical, professional and clerical assistance as may
34 be necessary and expedient to accomplish the objects and purposes
35 of the authority, and the board of commissioners shall fix the com-
36 pensation therefor.

37 8. To lease all or any part or parts of such building, buildings or
38 other facilities to the incorporating units for a period of time not to
39 exceed fifty years, upon such rental terms as may be agreed upon
40 between the authority and the incorporating units. The rentals speci-
41 fied in such leases shall be subject to increase by agreement of the
42 incorporating units and the authority if necessary in order to provide
43 funds to meet obligations.

44 9. In the event there is space at any time in such building or build-
45 ings not needed for a public purpose by the incorporating units, the
46 authority may rent such space to lessees either for a nonpublic or
47 public use, upon such terms and under such written leases as the
48 board of commissioners may determine.

49 10. To procure insurance of any and all kinds in connection with
50 said building or buildings to the same extent as might be done by
51 any owner or lessor of property.

52 11. To accept donations, contributions, capital grants or gifts from
53 any individuals, associations, municipal and private corporations and
54 the United States, or any agency or instrumentality thereof, for or
55 in aid of any of the purposes of this Act and to enter into agreements
56 in connection therewith.

57 12. To borrow money from time to time and, pursuant thereto, to
58 issue and sell revenue bonds in such amount or amounts, and with
59 such maturity dates not in excess of fifty years from date of issue,
60 as the board of commissioners may determine to provide funds for
61 the purpose of acquiring, constructing, demolishing, improving, en-
62 larging, equipping, furnishing, repairing, maintaining and operating
63 buildings and other facilities, and to acquire and prepare sites neces-
64 sary and convenient therefor, and to pay all costs and expenses inci-
65 dent thereto, including, but without in any way limiting the general-
66 ity of the foregoing, architectural, engineering, legal and financing
67 expense; and to refund and refinance, from time to time, revenue
68 bonds so issued and sold, as often as may be deemed to be advanta-
69 geous by the board of commissioner.

70 The foregoing enumerated powers are granted notwithstanding the
71 provisions of any statute to the contrary.

1 SEC. 12. After the incorporation of said Authority, and before
2 the sale of an original issue of revenue bonds as provided in this Act,
3 the Authority shall submit to the legal voters of said city or town
4 and county, at a general, primary or special election called for that
5 purpose, the question whether such "Authority" shall issue and sell
6 revenue bonds (stating the amount) for any of the purposes provided
7 in Section two (2) of this Act. An affirmative vote of a majority of
8 the votes cast on said proposition shall be required to authorize the
9 issuance and sale of said revenue bonds. A notice of the election shall
10 be published once each week for at least four weeks in some news-
11 paper published in the county. Such notice shall name the time when
12 such question shall be submitted, and a copy of the question to be
13 submitted shall be posted at each polling place during the day of
14 election.

1 SEC. 13. Whenever and as often as the board of commissioners
2 decides to issue bonds as provided in this Act, it shall adopt a reso-
3 lution describing the area to be acquired, the nature of the existing
4 improvements thereon, the disposition to be made of such improve-
5 ments, and a general description of any new buildings or other facil-
6 ities to be constructed thereon.

7 The resolution shall set out the estimated cost of the project, in-
8 cluding the cost of acquiring and preparing the site therefor, deter-
9 mine the period of usefulness and fix the amount of revenue bonds
10 to be issued, the date or dates of maturity, the dates on which inter-
11 est is payable, the sinking fund provisions and all other details in
12 connection with such bonds. The board shall determine and fix the
13 rate of interest of any revenue bonds issued hereunder, in such reso-
14 lution or in any supplemental resolution adopted by the board prior
15 to the issuance thereof. The resolution, trust agreement or other
16 contract entered into with the bondholders may contain such cove-
17 nants and restrictions concerning the issuance of additional revenue
18 bonds thereafter as may be deemed necessary or advisable for the
19 assurance of the payment of the bonds thereby authorized.

20 All bonds shall be issued in the name of the authority and shall
21 have, and are hereby declared to have, all the qualities and incidents
22 of negotiable instruments under the laws of this state.

23 Bonds issued under this Act, whether original issue or issues, or
24 refunding, may be issued as serial or term bonds, shall be of such
25 denomination or denominations and form, including interest coupons
26 to be attached thereto, shall be payable at such place or places and
27 bear such date as the board of commissioners shall fix by the resolu-
28 tion authorizing such bonds, and shall mature within a period not to
29 exceed fifty years, and may be redeemable prior to maturity with or
30 without premium, at the option of the board of commissioners, upon
31 such terms and conditions as the board shall fix by the resolution
32 authorizing the issuance of such bonds. The board of commissioners
33 may provide for the registration of such bonds in the name of the
34 owner as to the principal alone or as to both principal and interest
35 upon such terms and conditions as the board may determine. All
36 bonds issued hereunder by any authority shall be sold at such price
37 that the interest cost to the commission of the proceeds of such bonds

38 shall not exceed five percent per annum, payable semiannually, com-
39 puted to maturity and shall be sold in such manner and at such time
40 or times as the board of commissioners shall determine.

41 Bonds issued by an authority, and the interest thereon, shall be
42 payable solely from the revenues derived from the operation, manage-
43 ment or use of the buildings or other facilities acquired or to be
44 acquired by the authority, which revenues shall include payments
45 received under any leases or other contracts for the use of the facil-
46 ities, buildings, or space therein. All bonds shall recite in the body
47 thereof that the principal and interest thereon are payable only from
48 the revenues pledged to pay the same and shall state on their face
49 that it is not an indebtedness of the authority or a claim against the
50 property of such authority.

51 The bonds shall be executed in the name of the commission by the
52 chairman of the board of commissioners or by such other officer of
53 the commission as the board, by resolution, may direct, and be at-
54 tested by the secretary, or by such other officer of the commission
55 as the board, by resolution, may direct, and shall be sealed with the
56 commission's corporate seal. In case any officer whose signature
57 appears on the bonds or coupons shall cease to be such officer before
58 delivery of such bonds, such signature shall nevertheless be valid and
59 sufficient for all purposes, the same as if said officer had remained in
60 office until such delivery.

61 In its discretion, the authority may, from time to time, as often
62 as it may deem to be advantageous, issue refunding bonds to refund
63 its bonds prior to their maturity, refund its outstanding matured
64 bonds, refund matured coupons evidencing interest upon its out-
65 standing bonds, refund interest at the coupon rate upon its outstand-
66 ing matured bonds that has accrued since the maturity thereof, and
67 refund its bonds which by their terms are subject to call or redemp-
68 tion before maturity. All bonds redeemed or purchased in accordance
69 with this Act shall forthwith be canceled and shall not be used again.

70 To secure the payment of any or all revenue bonds and for the
71 purpose of setting forth the covenants and undertakings of the au-
72 thority in connection with the issuance of revenue bonds and the
73 issuance of any additional revenue bonds payable from such revenue
74 income to be derived from the operation, management or use of the
75 buildings or other facilities acquired or to be acquired by the author-
76 ity, the authority may execute and deliver a trust agreement or
77 agreements except that no lien upon any physical property of the
78 authority shall be created thereby.

79 The resolution shall provide for the creation of a sinking fund
80 account into which shall be payable from the revenues of such proj-
81 ect, from month to month as such revenues are collected, such sums
82 in excess of the cost of maintenance and operation of the project and
83 the cost of administration of the authority, as will be sufficient to
84 comply with the covenants of the bond resolution and sufficient to
85 pay the accruing interest and retire the bonds at maturity. The
86 board of commissioners, in such resolution, may provide for such
87 other accounts as it may deem necessary for the sale of the bonds.
88 The moneys in said accounts shall be applied in the manner provided
89 by the resolution, the trust agreement or other contract with the

90 bondholders.

91 No bond issued under this Act shall constitute a debt of the au-
92 thority or of any public body within the meaning of any statutory or
93 constitutional limitation as to debt.

94 From and after the issuance of bonds as herein provided it shall
95 be the duty of the board of commissioners to establish and fix rates,
96 rentals, fees and charges for the use of any and all buildings or space
97 therein or other facilities owned and operated by the authority, suffi-
98 cient at all times to pay maintenance and operation costs and to pay
99 the accruing interest and retire the bonds at maturity and to make all
100 payments to all accounts created by any bond resolution and to com-
101 ply with all covenants of any bond resolution.

1 SEC. 14. Whenever, and as often as an incorporating unit enters
2 into a lease with the authority, the governing body of such incor-
3 porating unit shall provide by ordinance or resolution, as the case
4 may be, for the levy and collection of a direct annual tax sufficient
5 to pay the annual rent payable under such lease as and when it
6 becomes due and payable. Such tax shall be levied and collected in
7 like manner with the other taxes of such incorporating unit and
8 shall be in addition to all other taxes now or hereafter authorized
9 to be levied by that incorporating unit. This tax shall not be included
10 within any statutory limitation of rate or amount for that incorpo-
11 rating unit but shall be excluded therefrom and be in addition thereto
12 and in excess thereof. The fund realized from such tax levy shall be
13 set aside for the payment of the annual rent and shall not be dis-
14 bursed for any other purpose until the annual rental has been paid in
15 full.

1 SEC. 15. The provisions of chapter twenty-three (23) of the Code
2 shall apply hereto, and an authority created hereunder shall be con-
3 sidered as a municipality for the purposes of said chapter twenty-
4 three (23).

1 SEC. 16. All leases, contracts, deeds of conveyance, bonds, or any
2 other instruments in writing on behalf of the authority, shall be
3 executed in the name of the authority by the chairman and secretary
4 of the authority, or by such other officers as the board of commis-
5 sioners, by resolution, may direct, and the seal of the authority shall
6 be affixed thereto.

1 SEC. 17. All property owned by any authority shall be exempt
2 from taxation by the state or any taxing unit therein.

1 SEC. 18. When all bonds issued pursuant to the provisions of this
2 Act shall have been retired, then the authority may convey the title
3 to the property owned by the authority to the incorporating units in
4 accordance with the provisions therefor contained in the articles of
5 incorporation, or, if there be no such provisions, then in accordance
6 with any agreement adopted by the respective governing bodies of
7 the incorporating units, and the authority.

1 SEC. 19. This Act being necessary for or desirable for and in-
 2 tended to secure the public convenience and welfare, the provisions
 3 of this Act shall be liberally construed to give effect to the provisions
 4 hereof.

1 SEC. 20. The provisions of sections three hundred sixty-eight
 2 point nineteen (368.19) to three hundred sixty-eight point twenty-
 3 three (368.23), inclusive, of the Code shall not be applicable to any
 4 authority created by this Act.

1 SEC. 21. Sections three hundred sixty-eight point fifty (368.50)
 2 to three hundred sixty-eight point fifty-three (368.53), inclusive,
 3 Code 1962, are hereby repealed.

Approved May 7, 1963.

CHAPTER 240

CONTRACTS WITH COUNCILMEN

H. F. 335

AN ACT relating to interest in contracts with cities and towns on the part of councilmen.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred sixty-eight A point twenty-two
 2 (368A.22), Code 1962, is hereby amended by adding thereto the fol-
 3 lowing:

4 "Nothing in this section shall prohibit the fulfillment of any con-
 5 tract lawfully entered into by the city or town and the contracting
 6 party before the party's election to the council, but such contract may
 7 not be amended or altered during such party's term of office."

Approved April 23, 1963.

CHAPTER 241

LIBRARY LEASES

H. F. 148

AN ACT to permit cities to enter into long-term leases for libraries, library sites, books, and equipment and to authorize contributions to the support thereof by other public bodies.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred seventy-eight point one (378.1),
 2 Code 1962, is hereby amended by adding thereto the following:

3 "Cities shall have power to enter into long-term leases, for a term
 4 not to exceed twenty (20) years, with or without an option to renew